

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**THE PUBLIC INTEREST LEGAL  
FOUNDATION,**

**Plaintiff,**

**v.**

**KATHY BOOCKVAR, in her official  
capacity,**

**Defendant.**

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**NO. 1:20-cv-01905**

**CHIEF JUDGE JONES**

**ELECTRONICALLY FILED**

**MOTION OF DEFENDANT KATHY BOOCKVAR  
TO DISMISS FIRST AMENDED COMPLAINT  
FOR DECLARATORY AND INJUNCTIVE RELIEF**

Pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, Defendant Kathy Boockvar (the “Secretary”), by and through her undersigned counsel, hereby moves for dismissal of Plaintiff Public Interest Legal Foundation’s (“PILF”) First Amended Complaint for Declaratory and Injunctive Relief. The grounds supporting this motion will be set forth in Secretary Boockvar’s

supporting memorandum which will be filed within 14 days pursuant to Rule 7.5  
of the Local Rules of Court.

Respectfully submitted,

/s/ Donna A. Walsh

Daniel T. Brier

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John B. Dempsey

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Dated: November 19, 2020

**CERTIFICATE OF NON-CONCURRENCE**

I, Donna A. Walsh, hereby certify that I sought the concurrence of counsel for Plaintiff, Linda A. Kerns, in this Motion. I was unable to reach Ms. Kerns. Based on the nature of the motion it is assumed that Ms. Kerns does not concur in this Motion.

/s/ Donna A. Walsh

Date: November 19, 2020

**CERTIFICATE OF SERVICE**

I, Donna A. Walsh, hereby certify that a true and correct copy of the foregoing Motion To Dismiss First Amended Complaint for Declaratory and Injunctive Relief was served upon the following counsel of record via the Court's ECF system on this 19th day of November 2020:

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/s/ Donna A. Walsh